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09/584,581	05/31/2000	Gad Azriel	12406.0040	4648

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/584,581

Applicant(s)

AZRIEL ET AL

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/01/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by**

**Schrage, Patent #6,850,609.**

**Regarding claim 1, Schrage teaches** a method of recording in a packet telephony system, said system including a first endpoint, second endpoint and a recording device(Fig.3 and col.1 lines 29-59), said method comprising the steps of: generating data samples on said first endpoint corresponding to a first audio signal and generating data samples on said second endpoint corresponding to a second audio signal; tracking a second timestamp of data samples originating from said second endpoint that are played by said first endpoint and tracking a first timestamp of data samples originating from said first endpoint that are played by said second endpoint(34 Fig.3 and 416 Fig.4B); sending a first stream of packets from said first endpoint to said recording device, said first stream of packets containing data samples generated by said first

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endpoint, a first timestamp corresponding thereto and the second timestamp of data samples from said second endpoint played by said first endpoint at that moment in time(Fig.3 and col.3 lines 41-59);

sending a second stream of packets from said second endpoint to said recording device, said second stream of packets containing data samples generated by said second endpoint, a second timestamp corresponding thereto and the first timestamp of data samples from said first endpoint played by said second endpoint at that moment in time(col.3 lines 41-59);;

placing a first indication in said first stream of packets sent to said recording device, said first indication operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said first endpoint were replayed or that a silence was played (col.8 line 54-col.9 line 10);

placing a second indication in said second stream of packets sent to said recording device, said second indication operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said second endpoint were replayed or that a silence was played(col.8 line 54-col.9 line 10); and

recording said first stream of packets and said second stream of packets representing the signals generated and played on said first endpoint and said second endpoint,respectively(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 2, Schrage teaches the method according to claim 1, wherein

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said packets comprise Real-Time Transport Protocol (RTP) packets(col.1 lines 29-59).

Regarding claim 3, Schrage teaches the method according to claim 1, wherein said packet telephony system is constructed in accordance with the International Telecommunications Union (ITU) H.323 protocols(col.10 lines 21-27).

Regarding claim 4, Schrage teaches the method according to claim 1, wherein said packet telephony system is constructed in accordance with the Internet Engineering Task Force (ETF) Session Initiation Protocol (SIP) (col.1 lines 29-59 and col.10 lines 21-27)

Regarding claim 5, Schrage teaches the method according to claim 1, further comprising the step of compressing said first stream of packets and said second stream of packets before transmitting them to said recording device(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 6, Schrage teaches the method according to claim 1, farther comprising the step of decompressing said first stream of packets and said second stream of packets wherein pointer references to data samples are to uncompressed samples(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 7, Schrage teaches the method according to claim 1, wherein a timestamp clock rate associated with an endpoint with is greater than or equal to a data sample clock rate(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 8, Schrage teaches the method according to claim 1, wherein said first endpoint has knowledge of the sampling rate used by said second endpoint and said second endpoint has knowledge of the sampling rate used by said first

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endpoint and said recording device has knowledge of sampling rate used by said first endpoint and said second endpoint(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 9, Schrage teaches the method according to claim 1, wherein said first timestamp and said second timestamp comprise a packet sequence number and a sample offset within said packet(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 10, Schrage teaches the method according to claim 1, further comprising the step of playing back the audio generated on an endpoint utilizing the samples conveyed in a packet stream transmitted to said recording device(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 11, Schrage teaches the method according to claim 1, further comprising the step of playing back the audio played on an endpoint utilizing a combination of an indication transmitted from one endpoint and the samples transmitted from another endpoint(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 12, Schrage teaches the method according to claim 1, further comprising the step of synchronizing said first packet stream and said second packet stream received by said recording device.

**Regarding claim 13, Schrage teaches** a method of recording in a packet telephony system, said system including a first endpoint, second endpoint and a recording device(Fig.3 and col.1 lines 29-59), said method comprising the steps of:

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generating data samples on said first endpoint corresponding to a first audio signal and generating data samples on said second endpoint corresponding to a second audio signal; tracking a second timestamp of data samples originating from said second endpoint that are played by said first endpoint and tracking a first timestamp of data samples originating from said first endpoint that are played by said second endpoint(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54); recording a first stream of packets at said first endpoint, said first stream of packets containing data samples generated by said first endpoint, a first timestamp corresponding thereto and the second timestamp of data samples from said second endpoint played by said first endpoint at that moment in time; recording a second stream of packets at said second endpoint, said second stream of packets containing data samples generated by said second endpoint, a second timestamp corresponding thereto and the first timestamp of data samples from said first endpoint played by said second endpoint at that moment in time; placing a first indication in said first stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said first endpoint were replayed or that a silence was played; and placing a second indication in said second stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said second endpoint were replayed or that a silence was played(col.3 lines 41-59, col.8 line

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54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 14, Schrage teaches the method according to claim 13, wherein said packets comprise Real-Time Transport Protocol (RTP) packets(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 15, Schrage teaches the method according to claim 13, wherein said packet telephony system is constructed in accordance with the International Telecommunications Union (ITU) H.323 protocols(col.10 lines 21-27).

Regarding claim 16, Schrage teaches the method according to claim 13, wherein said packet telephony system is constructed in accordance with the Internet Engineering Task Force (IETF) Session Initiation Protocol (SP) (col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 17, Schrage teaches the method according to claim 13, further comprising the step of compressing said first stream of packets and said second stream of packets before recording them(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 18, Schrage teaches the method according to claim 13, further comprising the step of decompressing said first stream of packets and said second stream of packets wherein pointer references to data samples are to uncompressed samples(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 19, Schrage teaches the method according to claim 13, wherein a timestamp clock rate associated with an endpoint with is greater than or equal to a data sample clock rate(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-



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54).

Regarding claim 20, Schrage teaches the method according to claim 13, wherein said first endpoint has knowledge of the sampling rate used by said second endpoint and said second endpoint has knowledge of the sampling rate used by said first endpoint(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 21, Schrage teaches the method according to claim 13, wherein said first timestamp and said second timestamp comprise a packet sequence number and a sample offset within said packet(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 22, Schrage teaches the method according to claim 13, further comprising the step of playing back the audio generated on an endpoint utilizing the samples conveyed in a packet stream transmitted to said recording device(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 23, Schrage teaches the method according to claim 13, further comprising the step of playing back the audio played on an endpoint utilizing a combination of an indication transmitted from one endpoint and the samples transmitted from another endpoint(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

Regarding claim 24, Schrage teaches the method according to claim 13, further comprising the step of collecting and matching call records associated with said first endpoint with call records associated with said second endpoint(col.3 lines 41-59, col.8 line 54-col.9 line 10, and col.9 lines 27-54).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
May 24, 2005



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